

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

KEVIN KEITH,

Petitioner,

v.

LYLEAL WAINWRIGHT, WARDEN,

Respondent.

Case No. 1:18-cv-00634

Judge Solomon Oliver, Jr.

Magistrate Judge James R. Knepp, II

PETITIONER KEVIN KEITH'S UNOPPOSED MOTION FOR STATUS CONFERENCE

Petitioner Kevin Keith requests that the Court schedule a status conference for the purpose of developing a Case Management Plan for the above-captioned case. Counsel for Petitioner have conferred with counsel for Respondent, and Respondent does not oppose the motion but requested that Keith indicate that Respondent would be unavailable until mid-next week. In support of his motion, Keith states as follows:

1. Keith filed his petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on March 19, 2018. (ECF No. 1). On June 7, 2018, this Court transferred the case to the U.S. Court of Appeals for the Sixth Circuit, finding that Keith was required to move in the appellate court for authorization to file a second or successive habeas petition pursuant to 28 U.S.C. § 2244(b)(3)(A). (ECF No. 15). On October 26, 2018, a panel of the Sixth Circuit granted Keith's application for authorization to file a successive habeas corpus petition because Keith had made a *prima facie* showing that "the factual predicates for his *Brady* claim could not have been previously discovered through the exercise of due diligence" and that "no reasonable fact finder would have found him guilty" in light of the new evidence. (ECF No. 16 at 10-12).

2. No Case Management Plan has yet been entered in this case. A status conference would permit the parties and the Court to discuss a timeframe and procedure for a timely and efficient adjudication of Keith's petition.

Wherefore, Petitioner Kevin Keith, by and through undersigned counsel, having conferred with counsel for Respondent and for good cause shown, hereby requests the Court convene a status conference. Attached for the Court's convenience is a draft Order granting Keith's motion and setting the matter for a conference.

Dated: November 8, 2018

Respectfully submitted,

/s/ James R. Wooley

James R. Wooley (003850)
Calland M. Ferraro (0093439)
JONES DAY
901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-7345
jrwooley@jonesday.com
cferraro@jonesday.com

Zachary M. Swisher (0076288)
Sybert, Rhoad, Lackey Swisher, LLC
153 South Liberty Street
Powell, Ohio 43065
(614) 785-1811
zach@law153group.com

Rachel Troutman (0076741)
Supervising Attorney, Death Penalty Dept.
Office of the Ohio Public Defender
250 E. Broad Street, Suite 1400
Columbus, Ohio 43215
Rachel.Troutman@OPD.ohio.gov

James M. Petro (0022096)
Attorney-at-Law
6573 Marissa Loop #405
Naples, FL 34108
Jimpetro73@gmail.com

Attorneys for Petitioner Kevin Keith

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 8, 2018, a copy of the foregoing Unopposed Motion for Status Conference was filed electronically with the Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ James R. Wooley
Attorney for Petitioner